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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Crl.Rev.Pet.No. 584 of 1998()

CRA.198/1993 of ADDL.SESSIONS COURT, KOTTAYAM
CC.139/1991 of JUDL. MAGISTRATE OF FIRST CLASS, CHANGANACHERRY

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REVN. PETITIONER:

KURIAKOSE @ LALICHAN,
S/O.DEVASSIA, PADIKKAL VEEDU,
MUNDAKKAYAM KARA,
MUNDAKKAYAM.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.No.584 of 1998-B

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Dated this the 31st day of October, 2007

O R D E R

The revision petitioner is the accused in C.C.No.139/1991 who stands convicted for the offences under Sections 279, 337 and 304A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- and in default to undergo rigorous imprisonment for one month for the offence under Section 279 I.P.C and to undergo rigorous imprisonment for three months and to pay a fine of Rs.500/- and in default to undergo rigorous imprisonment for one month for the offence under Section 337 I.P.C and to undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/- and in default to undergo rigorous imprisonment for six months for the offence under Section 304A I.P.C.

2. The prosecution case is that the accused drove stage carriage bearing Registration No.KRO 441Priya bus in a rash and negligent manner so as to endanger human life through the K.K road from east to west on 13/01/1991 at 2.15 p.m and hit on KRO 5031 jeep that was coming from the opposite direction and as a result the jeep driver

Muraleedharan Nair and a passenger in the jeep by name Pappa was thrown out of the jeep and succumbed to the injuries sustained.

3. The counsel for the revision petitioner has only pleaded for modification of the sentence. It is pointed out that about 18 years have elapsed since the date of the incident and commencement of the proceedings. It is also stated that the entire family of the accused is depending on the income of the accused for their livelihood.

4. Considering the long lapse of time I find that the imprisonment can be avoided. In the circumstances the conviction is confirmed and the sentence imposed for the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees twenty-five thousand each to the legal representatives of the deceased Muraleedharan Nair and Pappa and in default to undergo simple imprisonment for six months each. No separate sentence is awarded to the rest of the offences. The revision petitioner/accused is granted four months time to remit the amount of compensation. He shall appear before the Judicial Magistrate of the First Class-I, Changanasserry, on 29/02/2008 to receive the sentence. The non

bailable warrant, if any, pending shall be kept in abeyance. The fine amount remitted, if any, can be withdrawn or adjusted towards the amount due towards compensation. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.584 of 1998-B

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O R D E R

31st October, 2007